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8 DIESEL U.S.A., INC.

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

12 RYAN GREKO, individually and on
13 behalf of all others similarly situated,

14 Plaintiffs,

15 v.

16 DIESEL U.S.A., INC., a New York
corporation; and DOES 1-100, inclusive,

17 Defendant.
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Case No. 3:10-CV-02576-RS

**STIPULATED REQUEST FOR ORDER
CHANGING TIME OF SUMMARY
JUDGMENT HEARING AND ~~PROPOSED~~
ORDER AS MODIFIED BY THE COURT**

Class Action

Judge: The Hon. Richard Seeborg
Courtroom: 3, 17th Floor
Action Filed: June 10, 2010

STIPULATION

Subject to the approval of the Court, plaintiff Ryan Greko (“Plaintiff”) and defendant Diesel U.S.A., Inc. (“Defendant”) (Plaintiff and Defendant are referred to hereafter as the “Parties”), through their respective counsel of record hereby stipulate to the following in accordance with Civil Local Rules 6-1 and 6-2 :

WHEREAS, on March 3, 2011, Defendant filed its motion for summary judgment, the hearing for which is presently scheduled to take place on April 7, 2011, in accordance with Civil Local Rule 7-2(a);

WHEREAS, Plaintiff’s deadline, according to Civil Local Rule 7-3(a), for filing his Opposition to Defendant’s Motion for Summary Judgment is March 17, 2011, and Defendant’s deadline, according to Civil Local Rule 7-3(c), for filing its Reply in support of its Motion for Summary Judgment is March 24, 2011;

WHEREAS, the Parties had a dispute over the need for and duration of an extension of Plaintiff’s deadline for filing his Opposition to Defendant’s Motion for Summary Judgment;

WHEREAS, the Parties were able to resolve the dispute in an overall agreement without requiring the Court’s assistance;

WHEREAS, the Parties have met and conferred and jointly agreed to a two-week extension of Plaintiff’s deadline for filing his opposition to Defendant’s Motion for Summary Judgment, with Defendant’s reply brief in support of its Motion for Summary Judgment due one week later, and a three-week extension of the date of the hearing for Defendant’s Motion for Summary Judgment;

WHEREAS, the three-week extension of the hearing date is necessary to accommodate the schedule of lead counsel for Defendant, Harry I. Johnson, III, who has a long-scheduled family vacation in the Grand Canyon that would conflict with a two-week extension of the hearing date;

WHEREAS, a three-week extension of the date of the hearing for Defendant’s Motion for Summary Judgment will have little or no effect on the remaining schedule of the case;

WHEREAS, the Parties also agree that there will be no further extensions of the summary

1 judgment and class certification hearing or motion filing dates, absent some personal emergency;

2 WHEREAS, counsel for Plaintiff has agreed to Defendant filing this Stipulation with his
3 electronic signature;

4 THEREFORE, the Parties hereby submit this Stipulated Request for an Order Changing
5 Time of Summary Judgment Hearing, and request that the Court order Plaintiff to file his
6 Opposition to Summary Judgment by March 31, 2011, Defendant to file its Reply in support of its
7 Motion for Summary Judgment by April 7, 2011, the hearing for Defendant's Motion for
8 Summary Judgment to take place on ~~April 28~~ ^{May 5,} 2011, or as soon thereafter according to the Court's
9 convenience, and the Parties be precluded from any further extensions of the summary judgment
10 and class certification hearing or motion filing dates, absent some personal emergency. This
11 Stipulated Request shall only be effective if approved in whole by order of the Court.

12 Dated: March 11, 2011

ARENT FOX LLP

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15 By: /s/ Harry I. Johnson, III
16 Harry I. Johnson, III
17 Attorneys for Defendant DIESEL U.S.A.,
18 INC.

19 Dated: March 11, 2011

LAW OFFICES OF DANIEL L. FEDER

20 By: /s/ Daniel L. Feder
21 Daniel L. Feder
22 Attorneys for Plaintiff RYAN GREKO

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24 Dated: 3/14/11

25 
26 Hon. Richard Seeberg
27 U.S. District Court Judge
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